

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EDWIN WAYNE JOYCE,)
)
)
 Plaintiff,)
)
)
 v.) 1:20CV957
)
)
MAURY CI, et al.,)
)
)
 Defendants.)

ORDER

This matter is before this court for review of the Recommendation filed on October 19, 2020, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) In the Recommendation, the Magistrate Judge recommends that this action be filed and dismissed sua sponte without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects of the current Complaint. The Recommendation was served on the parties to this action on October 19, 2020. (Doc. 3.) Plaintiff filed objections, (Doc. 4), to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which the objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action be, and is hereby, dismissed without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects of the current Complaint. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 6th day of January, 2021.



United States District Judge